

In the Court of Appeals of the State of Alaska

Dwight Samuel O'Connor,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-12328**

Order

Date of Order: **April 1, 2021**

Trial Court Case No. **3AN-11-08340CR**

Before: Allard, Chief Judge, Wollenberg, Judge, and Mannheimer, Senior Judge.*

In May 2019, we remanded this case to the superior court for reconsideration of Dwight Samuel O'Connor's request for referral to the statewide three-judge panel based on the nonstatutory mitigator of extraordinary potential for rehabilitation. *See O'Connor v. State*, 444 P.3d 226 (Alaska App. 2019). We retained jurisdiction for that purpose.

Superior Court Judge Kevin M. Saxby recently granted O'Connor's request and issued an order referring O'Connor's case to the three-judge panel for evaluation of the nonstatutory mitigator.

In light of Judge Saxby's order, we wish to clarify that our remand to the superior court includes the proceedings before the three-judge panel. Following its

* Sitting by assignment made under article IV, section 11 of the Alaska Constitution and Alaska Administrative Rule 23(a).

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consideration of O'Connor's case, the three-judge panel shall notify this Court of its decision within 120 days of the issuance of this order. This deadline may be extended by the three-judge panel for good cause, conditioned upon a status report to this Court.

Following the issuance of the three-judge panel's decision, O'Connor has 30 days to notify this Court if he intends to appeal that decision. If O'Connor fails to give notice within the allotted time period of his intent to appeal the three-judge panel's decision, this appeal will be closed.

Entered at the direction of the Court.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Court of Appeals Judges
Judge Saxby
Trial Court Clerk

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